

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BOSTON DIVISION

L & T YACHT SALES, INC.,)
Plaintiff)
VS.)
)
POST MARINE CO., INC.,)
Defendant)

05-11682 MLW

JOINT PROPOSED PRETRIAL SCHEDULE
AND LOCAL RULE 16.1 STATEMENT

Pursuant to the Notice of Scheduling Conference issued by this Court, counsel for the parties have conferred for the express purpose of (1) preparing an agenda of matters to be discussed at the May 25, 2006 scheduling conference, (2) preparing a proposed pretrial schedule for the case that includes a plan for discovery, and (3) considering whether they will consent to trial by magistrate judge.

As a result of said conference between counsel, parties have agreed, subject to Court approval, to prepare for trial in accordance with the following proposed pretrial schedule:

1. The Parties may serve written discovery (interrogatories and requests for admissions and the production of documents) by August 1, 2006.
2. The parties shall conclude all fact discovery (including depositions) on or before November 1, 2006.
3. Plaintiff shall disclose its expert witness(es) by December 15, 2006.
4. Defendant shall disclose its witness(es) by February 1, 2007.
5. The parties shall conclude all expert discovery on or before April 1, 2007.

6. Parties shall file any and all Rule 56 Motions for either partial or total summary judgment by May 15, 2007.

The Parties, through their undersigned counsel further state:

1. The Parties believe that their discovery plan conforms to the obligations set forth in Fed. R. Civ. P. 26(b).
2. The Parties do not believe that phased discovery is necessary or desirable in this case.
3. The Plaintiff does not consent to trial by a magistrate judge.
4. The Parties certify that counsel and their respective clients have conferred with a view towards establishing a budget for the costs of conducting the litigation and considering resolution of the litigation through alternative dispute resolution.

Respectfully submitted,
The Plaintiff,
By its Attorneys,

/s/ John E. Zajac
John E. Zajac, Esquire
Carmichael & Zajac, P.C.
170 High Street
Taunton, MA 02780
Phone: (508) 821-2552
Facsimile: (508) 821-2566

Respectfully submitted,
The Defendant,
By its Attorneys,

/s/ Michel O. Weisz
Michel O. Weisz, Esquire
Segredo & Weisz
9350 S. Dixie Highway #1500
Miami FL 33156
Phone: (305) 670-3820
Facsimile: (305) 670-8230

/s/ Howard M. Brown
Howard M. Brown, Esquire
Bartlett Hackett Feinberg P.C.
155 Federal Street, 9th floor
Boston, MA 02110
Phone: 617-422-0200
Facsimile: 617-896-6263

Dated: May 25, 2006